



Alan H. Bergren

City Manager

The Honorable Robert L. Genuario
Secretary, Office of Policy & Management
State of Connecticut
Office of the Secretary
450 Capitol Avenue
Hartford, CT 06106-1379



October 22, 2008

Dear Mr. Genuario,

As the Chief Executive Officer of the City of Norwich as directed by the Norwich City Council, I am requesting consideration for an interim change to the State Plan for Conservation and Development in accordance with Section 16a-32(b) of the Connecticut General Statutes.

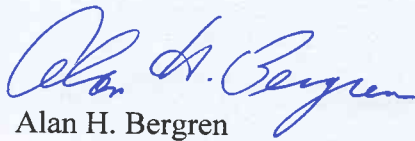
On July 10, 2008 a 3-2 vote of the Continuing Legislative Committee on Planning and Economic Development granted approval for an interim change to the State Plan for Conservation and Development for a 59.9 acre parcel of land located in the area of Scotland and Hansen Roads. This action amended the designation of the parcel from "Rural" to "Neighborhood Conservation". The change in designation was requested by the developer, Norwichtown Development, LLC, in order that they are able to propose the extension of water and sewer infrastructure to the property.

The City respectfully requests that the Continuing Legislative Committee on Planning and Development accept the City's application and supporting documents (attached) in order that the matter be reconsidered and the change in designation be returned to "Rural". Included in the attached material (application) is the recommendation of O.P.M. that the subject area remain designated as "Rural". As stated in Mayor Lathrop's letter of September 29, 2008 to Senator Eric Coleman and Representative Art Feldman, as more information regarding the subject development application became available, actions associated with the recent interim change have raised concerns within the community.

100 Broadway, Norwich, CT 06360
Phone: (860) 823-3750 Fax: (860) 885-2131
E-Mail: abergren@cityofnorwich.org
www.norwichct.org

We appreciate your consideration and look forward to a response from the Continuing Legislative Committee.

Sincerely,



Alan H. Bergren
City Manager

Attach.

cc: Norwichtown Development LLC
The Honorable W. David LeVasseur
The Honorable Edith Prague
The Honorable Melissa Olson
The Honorable Benjamin P. Lathrop
Norwich City Council Members
William R. Hogan, Department of Environmental Protection
Peter Davis, Director of Planning & Neighborhood Services
James S. Butler, Executive Director, Southeastern CT Council of Governments
Members of the Continuing Legislative Committee on State Planning & Development:
The Honorable Eric D. Coleman
The Honorable Art Feldman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio Guerrera
The Honorable Jack Malone
The Honorable Richard Roy

INTRODUCTION

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, the City of Norwich requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Further, in accordance with Section 16a-32(b) of the Connecticut General Statutes the City hereby submits as part of the subject application a copy of our 2003 Updated Plan of Conservation and Development (Exhibit A) in compliance with Section 8-23 of the Connecticut General Statutes, as well as a copy of the October 6, 2008 Council of the City of Norwich resolution (Exhibit B) directing City Manager Alan Bergren to submit the subject request for an interim change.

PROPERTY DESCRIPTION

The subject property is an approximately 59.9 acre parcel of land located in the northerly section of the City of Norwich and is bounded by Scotland Road to the west and Hansen Road to the east. Most recently, the property has been vacant but in part was once used as a commercial sawmill, single family residential home and associated accessory structures. The property had also been proposed to be developed as a single family residential subdivision.

A copy of the required USGS Map (Exhibit C) identifying the property as letter "A" and State of Connecticut Locational Guide Map (Exhibit D), dated June 2008 have been provided. To the best of our ability, we have amended the June 2008 Locational Guide Map to represent the current land use designation of "Neighborhood Conservation". At the time of our preparing this application, the revised map (post July 10, 2008) was not available to us.

ZONING

The zoning designation of the subject parcel is Residential 80 (R-80), which requires a minimum lot area of two (2) acres. Zoning of this general area was changed from minimum one (1) acre zoning Residential 40 (R-40) to R-80 as part of the City's 2004 Comprehensive Plan update.

The R-80 zoning designation, Section 8.1 permits "as-of-right" the following:

- Single family dwellings
- Customary home occupations
- Farming for commercial purposes on parcels exceeding 5 acres
- Public utility lines, stations and buildings

The R-80 zoning designation allows for the following by special permit:

- Nonprofit or government uses
- Cemeteries
- Convalescent or nursing homes
- Hospitals and sanitariums
- Public or private educational institutions
- Commercial open space recreation uses on parcels exceeding 10 acres
- Kennels on parcels exceeding 5 acres
- Government facilities
- Family day care homes
- Public utility facilities

It should be noted however, that in accordance with the current City of Norwich Zoning Ordinance, Section 7.6, the subject parcel could also be developed as an Active Adult Community (AAC). Or as it is more commonly known, age restricted housing. The AAC designation is considered to be a floating zone and could result in densities as high as eight (8) units per acre. Every proposed AAC is subject to a special permit review/public hearing by the Commission on the City Plan.

REASON FOR REQUEST

The City Council of the City of Norwich is not in favor of the July 10, 2008 action taken by the State of Connecticut Legislative Committee on State Planning and Development to change the designation of the property, that was subject to an interim change to the State Plan for Conservation and Development, from "Rural" to "Neighborhood Conservation".

A change in designation from "Rural" to "Neighborhood Conservation" would permit the extension of water and sewer infrastructure to the subject area. The prior "Rural" designation would not permit the extension of such services. With the availability of water and sewer infrastructure, the potential density of residential units would increase dramatically. The current Residential-80 zoning designation allows for one unit per two acres. If water and sewer utilities were available to the area and a property owner received approval for an Active Adult Community, densities could increase as high as eight units per acre.

Also, upon a review of the record of the subject meeting of the Committee on State Planning and Development, members of the City Council became aware that the decision to approve the interim change was granted by a 3-2 vote. Overriding the negative recommendation of the state's Office of Policy and Management (Exhibit E). The record also provides evidence that there were certain members of the Legislative Committee who had significant questions and concerns about the City's position on the request. Without a representative of the City present, these questions went unanswered.

Mayor Benjamin P. Lathrop forwarded correspondence dated September 29, 2008 (Exhibit F) to Senator Eric Coleman and State Representative Art Feldman, Chairmen of the State Continuing Legislative Committee on Planning & Economic Development, in

part describing the City's position on the matter of the Committee's July 10, 2008 decision.

In compliance with Connecticut General Statutes Section 16a-32-2 (f), the City of Norwich Commission on the City Plan has reviewed the subject application and issued an advisory opinion supporting the application. As the planning agency for the City, the Commission was unanimous in its support of the City Council to change the current designation from Neighborhood Conservation to Rural Lands in order to protect the rural character of the area. (Exhibit G)

While the City Council had received correspondence dated May 27th, 2008 from the State of Connecticut Office of Policy & Management, offering the opportunity for a local joint public hearing, they did not have the opportunity to discuss the matter. The City Council is very much interested in participating in and revisiting the matter of a joint public hearing on the subject and affording the public a renewed opportunity to be heard on the issues.

We hope that you will look favorably upon our application. If you require any additional information, please contact City Manager Alan Bergren @ (860) 823-3751 or e-mail @ abergren@cityofnorwich.org.

EXHIBITS LIST

| | |
|------------------|--|
| <i>Exhibit A</i> | <i>City of Norwich 2003 Plan of Conservation & Development</i> |
| <i>Exhibit B</i> | <i>October 6, 2008 Norwich City Council Resolution</i> |
| <i>Exhibit C</i> | <i>USGS Map</i> |
| <i>Exhibit D</i> | <i>State of Connecticut Locational Guide Map</i> |
| <i>Exhibit E</i> | <i>State Office of Policy & Management Recommendation</i> |
| <i>Exhibit F</i> | <i>Mayor Benjamin Lathrop's letter of September 28, 2008</i> |
| <i>Exhibit G</i> | <i>Commission on the City Plan Recommendation</i> |

THIS IS TO CERTIFY that the following is a true and attested copy of a resolution adopted by the Council of the City of Norwich at a meeting held on October 6, 2008, and that the same has not been amended or rescinded:

Resolution relative to authorizing and directing the City Manager to apply to the State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property in Norwich that was part of an interim change to the Conservation and Development Plan for Connecticut voted on July 10, 2008 back to its original designation

WHEREAS, the State of Connecticut Continuing Legislative Committee on State Planning and Development recently voted by a 3-2 margin, on July 10, 2008 to override a negative recommendation of the state's Office of Policy and Management and approve an application for an interim change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and

WHEREAS, the opportunity to request a public hearing on the matter was not discussed by the Council of the City of Norwich; and

WHEREAS, The Council of the City of Norwich is interested in affording opportunity for the public to be heard on any change in the Conservation and Development Policies Plan for Connecticut in the City of Norwich; and


WHEREAS, This Council is not in favor of the action taken by the committee, approving the interim change, in opposition to the recommendation of the Office of Policy and Management; and

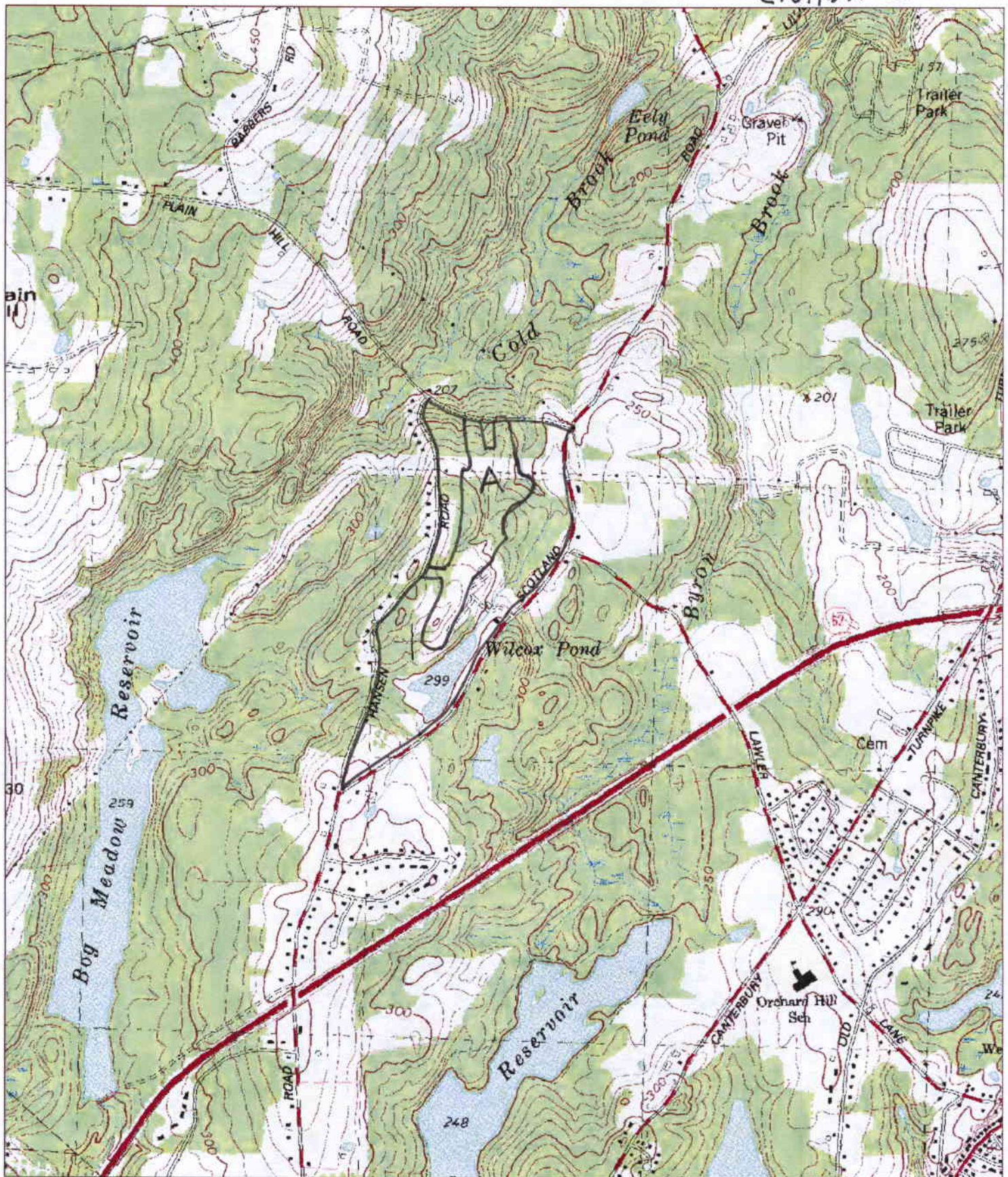
NOW THEREFORE BE IT RESOLVED, that the Council of the City of Norwich hereby orders and directs City Manager Alan H. Bergren to make application to The State of Connecticut Continuing Legislative Committee on State Planning and Development to change the designation of property changed to the Neighborhood Conservation designation at the July 10, 2008 meeting back to the Rural Lands designation in effect prior to the July 10, 2008 meeting.

THEREFORE BE IT ALSO RESOLVED, that the matter be referred to the Commission on the City Plan for a recommendation to be included in the application.

Dated at Norwich, Connecticut this 7th day of October 2008.

ATTEST:


Dee Anne Brennan
City Clerk



Norwichtown Development, LLC Proposed Interim Change

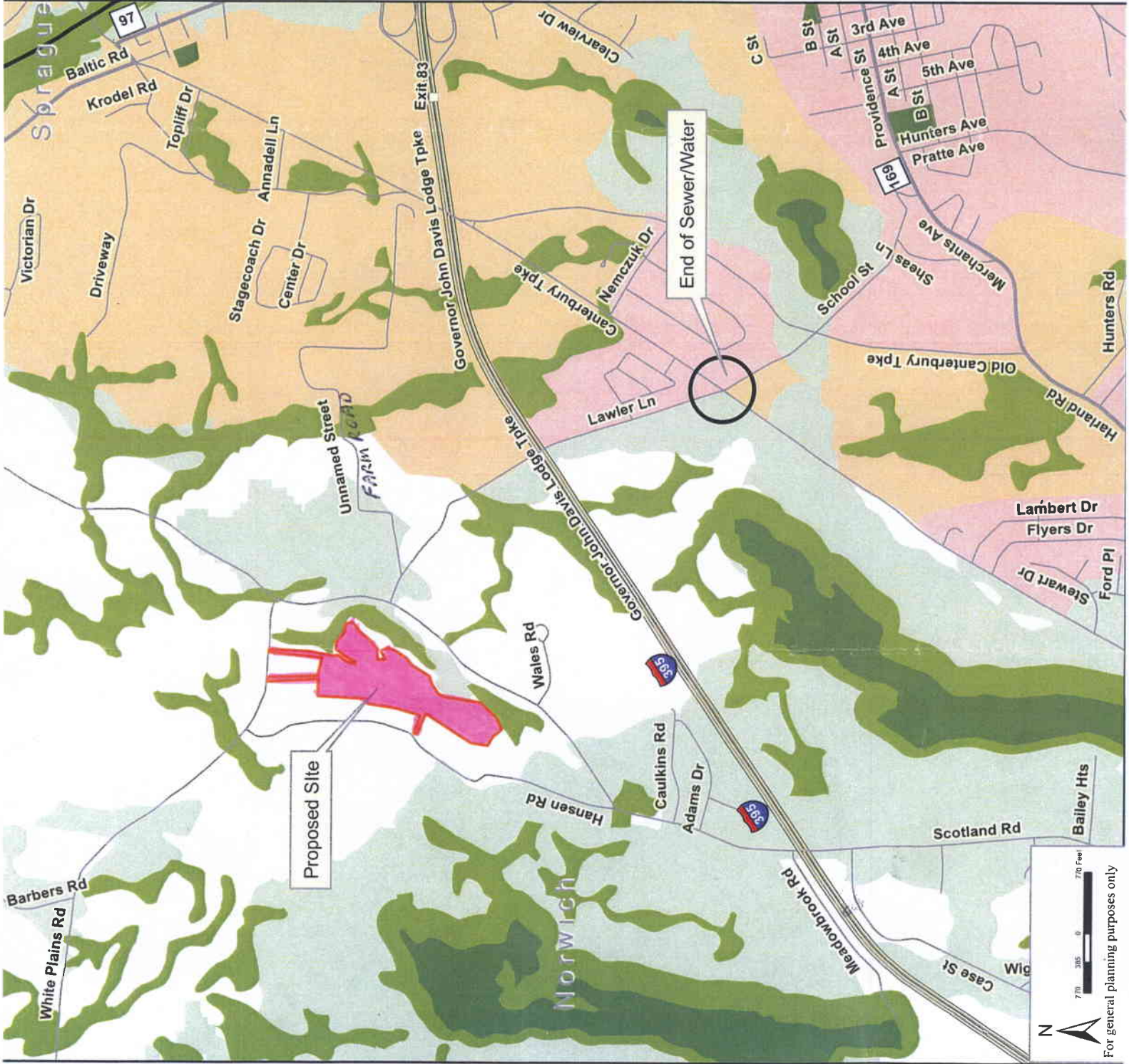


Conservation and Development
Policies Plan for Connecticut
2005-2010
Locational Guide Map

- Legend**
- Towns
 - Tribal Settlement Area
 - Streets**
 - Interstate
 - U.S. Route
 - State Highway
 - Local Road
 - Rail
 - Conservation Policies**
 - Existing Preserved Open Space
 - Preservation Area
 - Conservation Area
 - Rural Lands
 - Aquifer Protection Area
 - Historic Districts
 - Development Policies**
 - Regional Center
 - Neighborhood Conservation
 - Growth Area
 - Rural Community Center
 - Proposed Change

EXHIBIT D

June, 2008

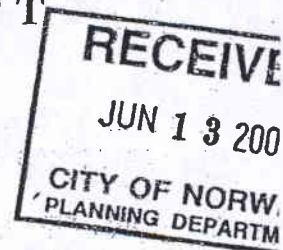




STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

June 9, 2008



Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio (Tony) Guerrero
The Honorable Jack Malone
The Honorable Richard Roy

Dear Senators and Representatives:

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Section 16a-32-5 of the Regulations of Connecticut State Agencies, the Office of Policy and Management (OPM) hereby submits its Findings and Recommendations on the Norwichtown Development, LLC application for an interim change to the *Conservation and Development Policies Plan for Connecticut, 2005-2010 (C&D Plan)*.

Under State statutes, the Continuing Committee has thirty (30) days from receipt of OPM's recommendation to act on the proposed interim change application. My staff and I are available to meet with you at your convenience during this period, if you should have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. David LeVasseur".

W. David LeVasseur, Undersecretary
Intergovernmental Policy Division

Cc: Senator Edith Prague, 19th Senate District
Bill Hogan, DEP
Peter Davis, Director of Planning & Neighborhood Services
Alan Bergren, City Manager
Benjamin P. Lathrop, Mayor
Gregory A. Sharp, Murtha Cullina LLP
James Butler, Southeastern Connecticut Council of Governments

Findings and Recommendations

Norwichtown Development, LLC.

Request for an Interim Change to the Locational Guide Map Conservation and Development Policies Plan for Connecticut, 2005-2010

In accordance with Section 16a-32(b) of the Connecticut General Statutes and Sections 16a-32-1-6 of the Regulations of Connecticut State Agencies, Norwichtown Development, LLC requests an interim change to the Locational Guide Map of the State's Conservation and Development Policies Plan (C&D Plan).

Norwichtown Development LLC., requests that the C&D Plan designation for a 59.9-acre parcel bounded by Scotland Road on the East, and Hansen Road to the West, be changed from "Rural" to "Neighborhood Conservation" (see attached maps). In accordance with state regulations, the City of Norwich was afforded the opportunity to request a joint public hearing with OPM and the Continuing Committee regarding this application. The City opted to waive its right to a public hearing.

Background

The request is a result of Norwichtown Development's desire to develop an "Active Adult Community" on the subject property. The easterly third of the property, adjacent to Scotland Road is subject to a recorded conservation easement and is not part of the requested change in designation. The current zoning designation is R-80, which according to the City's zoning regulations requires an 80,000 square foot minimum lot size (approximately 1.8 acres) or 0.5 units per acre. The applicant has indicated that under Special Regulations the property would be eligible for development of a greater density if its use were restricted to an "Active Adult Community." The Density Standards for an Active Adult Community would allow up to 8 units per acre.

The applicant asserts that in order to facilitate this development it is necessary to extend public water and sewer to this parcel. The current Rural Lands designation would prohibit the use of state funds supporting the introduction of such infrastructure to this area. Thus, the applicant is requesting a change to a Neighborhood Conservation designation whereby the extension of infrastructure would be consistent with the C&D plan.

Recommendation

OPM recommends that the Continuing Committee **not approve** Norwichtown Development's request to change the sites' C&D designation from "Rural" to "Neighborhood Conservation." In order to provide this site with access to public water and sewer, it would require the extension of public water and sewer approximately 5,000 feet. Nearly 2,500 feet of this would go through areas designated as Rural and Conservation areas, which are not addressed in this application, before reaching the subject property. OPM's concern is that such an extension would facilitate further intensive development in these areas that are not subject to a change under this

application. In doing so, the potential exists for further requests for changes to the C&D Plan's Locational Guidemap requiring the action of OPM and the Continuing Committee.

In addition to potential impacts on other areas, OPM questions the necessity for the change at this time. The applicant indicates that the City's zoning regulations require that Active Adult Communities be connected to public water and sewer. However, Section 7.6.4(h) of the Norwich zoning ordinance states:

"Sanitary Requirements. All such buildings shall be connected to public water and sanitary sewerage systems, or private sewerage systems which meet the requirements of local and state department of health."

OPM is not aware if the applicant has investigated the potential of on-site alternatives for water and sewer in this area such as a community septic system or alternative treatment technologies. The use of such technologies, when constructed properly, can provide for the type of development density the applicant seeks. Such alternatives could negate the need to extend public utilities to the subject parcel, yet still accommodate cluster type or "Conservation Development" techniques that are supported in the C&D Plan for Rural Lands.

The City of Norwich has waived its right to a public hearing with regard to this application. As a result, OPM must make this recommendation based solely on the information presented by the applicant. OPM is not aware of any previous approvals issued at the local level, including a willingness or capacity to service this area with public water and sewer. Further OPM is not aware of any measures that may be in place to limit development densities that may be achieved in the additional areas not subject to this application, through the introduction of this infrastructure. Similarly, OPM is not aware of any provisions for open space preservation or "Conservation Development" techniques that may be planned on site. The City's plan of conservation development does encourage development of elderly housing yet also encourages the maintenance of low-density development within this particular area (known as the "Plain Hill" area). Additionally, the plan suggests that subdivision design should be done in accordance with the natural carrying capacity of the land, which is consistent with the current designation of Rural Lands.

In light of these issues, OPM recommends that this area remain designated as Rural Lands. There are significant areas in Norwich designated for growth where the use of state funding for infrastructure and development of this nature would be more appropriate. Neighborhood Conservation areas are typically already developed, dense residential areas with existing infrastructure. Generally, state policy for these areas is to promote infill development where the infrastructure to support it exists. Considering the low-density zoning of the area, OPM believes a change from Rural to Neighborhood Conservation would not be appropriate for this area.



CITY
OF
NORWICH

Mayor Benjamin P. Lathrop

September 29, 2008

State Senator Eric Coleman
State Representative Art Feltman
Chairmen Continuing Legislative Committee on Planning and Economic Development
Legislative Office Building
Hartford, CT 06106-1591

Dear Chairmen Coleman and Feltman;

The matter of a vote taken on July 10, 2008 remains of particular concern to officials in the City of Norwich as well as its residents. On that date the Continuing Legislative Committee on Planning and Economic Development voted by a 3-2 margin to approve the application of Messrs. Abele and Donner of Norwich to override the negative recommendation of the State Office of Policy Management received by the City on June 13, 2008. A careful analysis of the record of the meeting will reveal there were significant questions about the position of Norwich Officials on the matter. Despite that, a vote was taken. In hindsight, we would have preferred that the Committee had tabled the matter and asked City officials to attend a rescheduled meeting to address your concerns.

Notice had been tendered by Norwich Officials on June 2, 2008 indicating the City would not seek nor would pass on the opportunity to have a public hearing on the matter. This decision was based upon a planning review by staff. In part, documents supporting the decision to waive the opportunity for a joint public hearing to be held locally were the 2003 City of Norwich Plan of Conservation and Development, Norwich Department of Public Utilities infrastructure plans and City of Norwich Zoning Regulations.

A more comprehensive document citing items reviewed, relative to the waiver of the local hearing, is attached for your review. One must keep in mind that the subject of the request at the time of staff review was the potential extension of public infrastructure, not a specific project. In light of these factors, we believe staff's findings were appropriate.

Within the past week, the subject at hand has taken on additional significance, due in no small part to the neighborhood reaction to the proposed active adult community project. In light of the recent level of local concern, I am requesting on behalf of the City that when your committee next convenes you allow a motion to be made and rule favorably on having this vote reconsidered. I look forward to your response and appreciate your consideration in the important matter.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin P. Lathrop".

Benjamin P. Lathrop, Mayor
Enclosure(s)



EXHIBIT G

CITY OF NORWICH
Department of Planning & Development
23 Union St.
Norwich, CT 06360
(860) 823-3766

Peter W. Davis
Director

Michael Schaefer
City Planner

October 22, 2008

TO: Mayor Benjamin P. Lathrop
Aldermen, City of Norwich City Council
City Manager Alan Bergren

FROM: Ralph Page, Chairman *PWD for R.P.*
Commission on the City Plan

SUBJECT: City Council Referral; Request for Advisory Opinion on Application for Interim Map
Change to the State Plan for Conservation & Development

In accordance with Connecticut General Statutes Section 16a-32(b), the Commission on the City Plan has reviewed the City of Norwich's application to the Office of Policy and Management requesting an interim map change from Neighborhood Conservation to Rural for an approximately 60 acre parcel of land located between Hansen and Scotland Roads.

At the October 21, 2008 regular meeting of the Commission on the City Plan, the subject application was described by Planning Department staff. After careful consideration of the matter, the Commission moved, seconded and unanimously voted to support the City's application for the interim change. A determination was made by the Commission, that the area which is the subject of the application should be re-designated as Rural Lands.

The Commission on the City Plan was of the opinion that the rural character of the area should be maintained. The current designation of Neighborhood Conservation would permit the possible extension of water and sewer infrastructure to the area, which could impact rural character.

If there are any questions regarding this matter, I would request that you contact City Planning staff.